

COBI Ethics Board
Operating Rules
(Revised March 2012)

1. **Purpose.** The Ethics Board is governed by a set of rules adopted by the members and approved by a resolution of the city council. These rules work within the confines of the governing legislation for the ethics program, and are required for the board to perform its normal duties and operate in an efficient, effective, and consistent manner. The operating rules are also intended to provide transparency to the public on the workings of this body.
2. **Documentation.** This document is intended to serve as a record of operating rules derived from Ethics Board meetings, and includes explicit procedures as well as precedents derived from advisory opinions, determinations of complaints, and other activities of the Board. It will be updated, as necessary, and successive versions will be adopted by the Ethics Board and approved by the City Council.

3. Operating Rules.

Chair. Members of the Ethics Board will elect a chairperson. The Chair will serve for one year and may be re-elected for a second year. Responsibilities of the Chair include: presiding over meetings of the Board, organization of the meeting agenda, distributing work of the Board to individual members, communication with City staff, and designating a substitute chair in the event of absence.

Meetings. The Ethics Board will meet monthly at a time and place determined by the board. Meetings will be noticed according to City policies.

Open public meetings. The Ethics Board is subject to the open public meetings act. Meetings are open to the public and will include a period for public comment. Members of the public are requested to confine their comments to this period except at the invitation of the Board. A quorum of Ethics Board members will not discuss ethics board business outside of a meeting.

Meeting Quorum. A meeting attended by a majority of the members of the Ethics Board constitutes a quorum.

Attendance by telephone. Board members may participate by telephone or other electronic means if unable to attend in person and effective two-way communication can be established.

Meeting Minutes. Minutes will be recorded and provided to Board members in advance of the next meeting, where they will be reviewed, revised as necessary, and approved. Meeting minutes will be posted on the Ethics Board website.

Communication between Board Members. Board members shall communicate with each other about substantive Board matters only at Board meetings or when working as a subcommittee that does not constitute a quorum of the Board. Informational communication and documents supplied in advance of discussion at a Board meeting are permitted.

Communication with the Public. The Ethics Board's website at http://www.ci.bainbridge-isl.wa.us/ethics_board.aspx shall be the primary means of communication with the public. Information posted shall include relevant legislation, procedures and forms for making an ethics complaint, operating rules, final determinations of complaints, advisory opinions, and educational materials produced by the Board. In addition, final determinations and advisory opinions shall be kept by the City Clerk for public viewing. The chair or a member designated by the chair shall speak for the Board on matters of public interest. Board members shall not comment on pending advisory opinions or complaints except at Board meetings.

Disclosure. The Ethics Board intends to be a model for transparency and ethical conduct in City affairs. In accordance with the Ethics Program, Board members will disclose significant relationships with the City of Bainbridge Island or with individuals subject to the Board's jurisdiction, including all situations that could potentially constitute a conflict of interest, or be perceived as a conflict of interest by the public. Disclosures will be an agenda item at each meeting of the Ethics Board. Potential conflicts will be managed by recusal or other means agreed by the Board.

4. Ethics Complaints Involving Elected Officials, Members of Committees and Commissions or Major Contractors.

Ethics Complaint forms are available from the City Clerk or may be downloaded from the Ethics Board's website. Only written complaints will be considered. Complaints will be submitted to the City Clerk.

Assignment to Ethics Board member. The Chair will assign each complaint to a Board member, who will summarize relevant information and lead the discussion at the Board meeting.

Jurisdiction. The Ethics Board will determine whether the complaint lies within the Board's jurisdiction.

Preliminary Determination and Response. If the Board determines that the facts stated in the complaint, if true, could potentially constitute a violation of the Code of Ethics such that further proceedings are warranted, the Board shall inform the complainant and respondent(s) of such preliminary determination and provide a reasonable period of time for the respondent(s) to respond in writing in opposition to the complaint.

Ethics Board Actions. The Board will take action according to Article III, section D of the Ethics Program, including finding that no further action is required, issuing an advisory opinion, postponing action during litigation, and determining that a material violation of the Ethics Code has or may have occurred. The Board shall decide whether to forward a determination of a violation or potential violation to the City Council for review. The final text will be approved by a majority of the Board members present. Dissenting views will be recorded.

Publication. The Chair will forward the Ethics Board's action to City Clerk for publication within six weeks after receiving the complaint, unless circumstances require an extension. The action, along with the complaint, will be posted on the Ethics Board's website and will be on file for public access with the City Clerk.

Response to Citizens. A copy of the Board's action will be forwarded by the City Clerk to the complainant and respondent(s).

5. Advisory Opinions

Requests. Advisory opinions may be solicited by individuals through written contact with the Ethics Board, or may be initiated by the Ethics Board on its own initiative.

Publication. The Chair will forward the approved advisory opinion to the City Clerk for publication within six weeks after receiving the request, unless circumstances require an extension. The advisory opinion will be posted on the Ethics Board's website and will be on file for public access with the City Clerk.

Response to Citizens. A copy of the advisory opinion will be forwarded by the City Clerk to the individual requesting the opinion.

6. Request for Waiver. Elected officials may seek a waiver for specific rules outlined in the Ethics Program.

Written Request. The elected official will submit a written request for waiver to the City Clerk, who will forward it to the Ethics Board.

Assignment to Ethics Board Member. The Chair will assign each request to a Board member, who will develop relevant background information and lead the discussion at the board meeting.

Board Decision. The request for waiver will be considered in an open public meeting of the Ethics Board, which is empowered to grant the waiver "if it finds that the waiver will serve the best interests of the City and its citizens."

Publication. Requests for waivers and action by the board will be published as in Article III Section G within six weeks. Dissenting opinions will be recorded.

7. Other Requests. Other citizen inquiries and suggestions will be discussed by the Ethics Board and recorded in meeting minutes. Citizens will receive a reply.